

**FILED**

**MAR 5 - 2007**

**RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND**

SCOTT N. SCHOOLS (SCBN 9990)  
United States Attorney

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Chief, Criminal Division

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MOISES GUTIERREZ-HERNANDEZ  
(aka Alejandro Bardales-Mendoza),

Defendant.

No. 4-07-70099 WDB

STIPULATION AND ~~PROPOSED~~  
ORDER CONTINUING PRELIMINARY  
HEARING OR ARRAIGNMENT DATE  
AND WAIVING TIME AND  
REQUESTING MATTER BE ADDED TO  
CALENDAR ON MARCH 9<sup>th</sup>, 2007

OAKLAND VENUE

The parties request and stipulate that the date for the preliminary hearing or arraignment of defendant, Moises Gutierrez-Hernandez, be continued from Friday, March 2, at 10:00 a.m., to Friday, March 9, at 10:00 a.m. The parties also request and stipulate that, pursuant to Federal Rule of Criminal Procedure (FRCP) 5.1(d), the time limits set forth in FRCP 5.1(c) be tolled and waived from March 2, 2007, to and including March 9, 2007. The parties agree that – taking into account the public interest in prompt disposition of criminal cases – good cause exists for this extension. Defendant also agrees to toll and to waive for this period of time any time limits applicable under Title 18, United States Code, Section 3161. In light of the fact that the Immigration Enforcement Agency has placed a detainer on him that would prevent his release at

STIP. AND PROP. ORDER RE: PRELIM/ARRAIGNMENT;  
4-07-70099 WDB

*my cc WDB's Stats. Copy to parties via ECF  
2 certified copies to Marshal*

1 this time, Mr. Gutierrez-Hernandez also waives the timing of his detention hearing under 18  
2 U.S.C. §3142(f), with the understanding that he is not waiving his right to a bail hearing and  
3 could have such a hearing in the future, should he so elect.

4 Finally, the parties jointly request that this matter be added to the Court's calendar on Friday,  
5 March 9<sup>th</sup>, 2007, at 10:00 a.m. for status.

6 In support of this request, the parties represent that they have discussed resolving this  
7 matter, and that the parties anticipate doing so before the next court appearance, likely by means  
8 of a "Fast Track" disposition.

9 **IT IS SO STIPULATED.**

10 DATED: February 28, 2007

Respectfully submitted,

11 SCOTT N. SCHOOLS  
12 United States Attorney

13 By /s/  
14 CHINHAYI COLEMAN  
Assistant U.S. Attorney

15 DATED: February 28, 2007

/s/  
16 HILARY FOX  
Attorney for Defendant Moises  
Gutierrez-Hernandez

17 **IT IS SO ORDERED.**

18 DATED: March 5, 2007

  
19 WAYNE D. BRAZIL  
20 United States Magistrate Judge  
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